

LAS VEGAS POLICE DEPARTMENT	PERSONNEL
SUBJECT: <i>Employment Discrimination</i>	NUMBER: PER.2
EFFECTIVE DATE: <i>9 September 2010</i>	REVIEW DATE:
AMENDS/SUPERSEDES:	APPROVED:
NMMLEPSC STANDARDS: <i>PER.02.01- PER.02.03</i>	<i>Chief of Police Gary Gold</i> NMSA:

I. PURPOSE:

The purpose of this policy is to ensure the efficient and effective management of the Employment Discrimination function by providing administrative guidance that identifies the responsibilities and employment discrimination within the uniform and other components of the department.

II. POLICY:

It is the policy of the Las Vegas Police Department to manage the function of employment discrimination in an effective and efficient manner by coordinating the efforts of uniform and other organizational components as provided in this policy.

III. APPLICABILITY:

This policy is applicable to all commissioned and non- commissioned personnel of the Las Vegas Police Department.

IV. REFERENCES:

- A. Las Vegas Police Department
- B. New Mexico Law Enforcement Accreditation Personnel 02.01- 02.03

V. DEFINITIONS:

- A. Employment: is a contract between two parties, one being the employer and the other being the employee.
- B. Discrimination: is a sociological term referring to the treatment taken toward or against a person of a certain group in consideration based solely on class or category.

C. Employment Discrimination: Employment discrimination refers to disabling certain people to apply and receive jobs based on their race, age, gender, religion, sexual orientation and disability.

VI. **PROCEDURE:**

A. To establish and define the policy for this agency concerning fair employment practices and to ensure Equal Employment Opportunities, free from harassment or discrimination, to all employees and applicants for employment. This agency will be committed to complying with all laws, both State and Federal, pertaining to Equal Employment Opportunity, Affirmative Action, and discrimination or harassment of any type in the workplace.

B. It shall be the policy of this Department to base all employment decisions on principles of equal opportunity. This agency will not discriminate against any employee or applicant for employment on the basis of the following:

1. Race
2. Color
3. Religion
4. Gender
5. National Origin
6. Disability
7. Age
8. Veteran Status
9. Handicap
10. Sexual Orientation
11. Marital Status

C. Employment opportunities will not be distinguished on the basis of age, national origin, or disability/handicap except for the position of Police Officer as defined by NMSA 29-7-6, the establishment of the State of New Mexico Law Enforcement Academy Board. NMSA 29-7-6 establishes the following minimum requirements:

1. An applicant for certification shall provide evidence satisfactory to the board that he:
 - a. is a citizen of the United States and has reached the age of majority;

- b. holds a high school diploma or the equivalent;
- c. holds a valid driver's license
- d. has not been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge or, within the three year period immediately preceding his application, to any violation of any Federal or State Law or Local Ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and has not been released or discharged under dishonorable conditions from any of the armed forces of the United States;
- e. after examination by a licensed physician, is free of any physical condition that might adversely affect his/her performance as a Police Officer or prohibit him/her from successfully completing a prescribed basic Law Enforcement training required by the Law Enforcement Training Act;
- f. after examination by a certified psychologist, is free of any emotional or mental condition that might adversely affect his/her performance as a Police Officer or prohibit him/her from successfully completing a prescribed basic Law Enforcement Training Act;
- g. is of good moral character; and
- h. has met any other requirements for certification prescribed by the board pursuant to regulations adopted by the board.

2. This Department fully supports the Americans with Disabilities Act (ADA) and will respond to reasonable requests for job accommodations.

3. The administration of this Department will take affirmative action to recruit, hire, reassign, compensate, train, demote, and to advance in employment: minorities, women, qualified individuals with disabilities, and veterans. This agency is committed to making sustained, diligent efforts to identify and consider such individuals for employment and for opportunities arising during employment.

4. Harassment, in any form, against any employee of this agency or applicant for employment is unacceptable and will not be tolerated.

5 All employees must respect civil rights laws and refrain from discriminatory actions. It is everyone's responsibility to perform official duties in a way that maintains and fosters a non-hostile work environment free from discrimination.

6. Discriminatory actions or conduct may include remarks and jokes regarding race, color, religion, sex, national origin, age, physical/mental ability, marital status,

sexual orientation, etc.

7. This agency prohibits any retaliatory action against an employee for opposing a practice, which he/she believes to be discriminatory. This includes the filing of an internal complaint or the filing of a complaint with a State or Federal Civil Rights Enforcement Agency.
8. The Chief of Police, or his/her designee, will be responsible for educating employees on Equal Employment Opportunity, Affirmative Action, and discrimination/harassment issues. He/She will also be responsible for ensuring that staff members at all levels carry out the intent of this equal employment/affirmative action policy and take appropriate measures to correct any discrimination, which might occur.
9. All employees are expected to abide by the procedures as outlined within this policy. Violation of this policy will subject an employee to disciplinary action, up to and including dismissal.
10. The Chief of Police or his designee will assign a supervisor within the agency to be responsible for investigating complaints of discrimination on a case-by-case basis. The supervisor will be responsible to report back to the Chief of Police a written report concerning the complaint. The contents in the report shall be kept confidential.

D. Complainant Procedures:

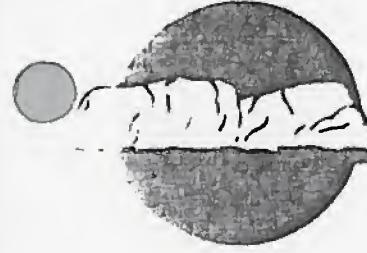
1. An employee encountering harassment should first attempt to discourage the activity by informing the offending employee that their actions are offensive, unwanted or unwelcome.
2. If the employee intends to file a complaint, the employee shall:
 - a. Promptly record the circumstances comprising the incident in order to facilitate the investigation process.
 - b. Report the incident(s) to a supervisor as soon as possible so that steps may be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated. Where this is not practical, an employee may instead file a complaint with the Chief of Police or the City Manager or Human Resources.
3. The supervisor or other person receiving the complaint shall:
 - a. Attempt to resolve the incident(s) at the lowest level;
 - b. Document the incident(s), the employee(s) who performed or participated in the harassment, and the dates on which it occurred;

- c. Document any attempts or results to resolve the incident(s); and
- d. Deliver the complaint and documentation promptly through the chain of command to the Chief of Police.

4. An employee who chooses to accumulate information over an extended period, in lieu of prompt reporting, may in effect impair the legitimacy of their claim.
5. Incident(s) of harassment shall only be considered resolved at the supervisory level when a reasonable solution is accepted by the complainant.

VII. **ATTACHMENTS**

A. Citizen Complaint Form



CITY OF LAS VEGAS

LAS VEGAS POLICE DEPARTMENT

Chief Gary Gold

CITIZEN'S

COMPLIMENT

COMMENDATION

AND/OR

**COMPLAINT
FORM**

MAIL OR DELIVER TO:

**LAS VEGAS CITY POLICE DEPARTMENT
318 MORENO STREET
LAS VEGAS, NEW MEXICO 87701**

PURPOSE

In an effort to continually improve on our service to the public, the Las Vegas Police Department would like to solicit comments from the citizens of Las Vegas and other interested persons.

METHOD

The community comments will be solicited (in part) by use of the "**CITIZEN'S COMPLIMENT, COMMENDATION & COMPLAINT FORM**." The comments requested may be in the form of a **COMPLIMENT** for a certain member, group of members, or the Las Vegas City Police in general or in the form of a **COMPLAINT** about a member, group of members, or the Las Vegas City Police in general. In either case, the comments will be reviewed and appropriate response will be made.

PROCESS

Citizens should complete the "**CITIZEN'S COMPLIMENT, COMMENDATION & COMPLAINT FORM**," and return the FORM (either in person or by mail) to the Office of the Chief of Police or the City Manager's Office. Upon receipt of the FORM, the Chief of Police will respond to the citizen either in writing or by phone to acknowledge it's receipt. The Chief of Police will then review the FORM and take appropriate action. The following may occur:

- A. In the event of a **COMPLIMENT**, the Chief of Police will pass on the information to the member(s) of the police department and may issue a "*Letter of Appreciation*" to said member(s). The "*Letter of Appreciation*" will also be made part of the permanent record of the member's personnel file.
- B. In the event of a **COMMENDATION**, the Chief of Police will pass on the information to the member(s) of the police department and may issue a "*Letter of Commendation*" to said member(s). The "*Letter of Commendation*" will also be made part of the permanent record of the member's personnel file. **IN ADDITION**, the member may also be eligible for a departmental citation in the form of an "*Exceptional Duty Medal, Life Saving Medal, or Medal of Valor*."
- C. In the event of a **COMPLAINT**, the Chief of Police will review the facts as presented in the writing. Based on the review, the Chief of Police will determine if there is merit to the complaint. If there is probable cause to establish merit, the Chief of Police will determine if an "*Internal Affairs Investigation*" should be initiated or if the matter can be handled administratively by either the Chief of Police or the Section Commander. If an "*Internal Affairs Investigation*" is initiated, the Las Vegas City Police General Orders on Citizens Complaints and City Resolution 81-30 will apply.

City Resolution 81-30 requires the person claiming to be aggrieved by actions of employees of the Police Department to file their proper complaint within forty five (45) days of alleged action complained of. The City Manager may allow an additional 15 days for filing under extenuating circumstances. A representative of the police department assigned by the Chief of Police will investigate the matter and report his/her findings to the Chief of Police. The Chief of Police will then make a determination of; sustained, not sustained, exonerated or unfounded as to each alleged complaint.

Departmental procedures allow thirty (30) days for completion of an investigation into a citizens complaint. In the event of extenuating circumstances an additional (30) days may be allowed by the City Manager. In the event that the complaint is sustained the Chief of Police shall determine and administer appropriate corrective and/or disciplinary action. The Chief of Police may consider one or more of the following: Counseling, Training, Oral or Written Reprimand, Suspension, Demotion, or Termination.

In all cases above, the Chief of Police shall keep the City Manager fully informed.

**IN ORDER TO PROPERLY EVALUATE AND RESPOND TO YOUR SUBMISSION,
PLEASE COMPLETE THIS FORM FULLY AND HAVE IT NOTARIZED BY AN
OFFICIAL NOTARY PUBLIC.**

* The form may be submitted electronically although such a submission places limits on the action that may be taken.

COMPLIMENT 1

COMMENDATION [1]

COMPLAINT 11

Name: _____ Address: _____
Date of Birth: _____ Age: _____ * If Under 18, Parent or Guardian must co-sign.
Telephone: (Home) _____ (Work) _____
Date of Occurrence: _____ Time of Occurrence: _____ Location: _____

Name, badge number, and/or description of Officer/Employee who is the subject of this form.

Name, address, and telephone numbers of any witnesses:

If complaint: Name, address, telephone number, and age of alleged victim (if known) from above.

Narrative (write what happened. Use additional paper if needed but each story must be on one page):

I certify that the information contained herein is true and correct. If required, I will give testimony under oath in this matter.

On _____ → _____
this document of his/her own free will.

Signature (including parent if under 18) Date
personally appeared before me and executed

My Commission Expires: _____ **Notary Public**